IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Criminal Appellate Jurisdiction

Criminal Application No.1197 of 2007
In
Criminal Application No.4756 of 2004
In
Criminal Appeal No.1476 of 2003

Shri Mohammad Naghi Behram Masiri. .. Applicant/
Orig.Resp.No.1/Orig.
Accused.

V/s.

1. Union of India
2. The State of Maharashtra. ...Respondent No.1.
Orig. Appellant/orig.
Complainant.

Mr.K.M. Sangani for Applicant.

Mr.H.V. Mehta with Mr.A.S. Rao for Respondent No.1.
Mr.P.A. Pol, APP for Respondent No.2.

CORAM : J.H. BHATIA, J.

Dated : 6th November 2007

P.C. :

1. Heard the learned Counsel for the parties.

2. The Applicant, who was after trial acquitted of the charges under NDPS Act, has made this Application seeking permission to go to Tehran in Iran for a period of 90 days on the ground that his mother has expired. It may be noted that he is required to obtain this permission only because

the prosecution has preferred appeal against the acquittal and that Appeal is pending.

3. Record reveals that on 18.2.2005 also in certain circumstances, he was granted leave by this Court to go abroad for a period of 90 days and admittedly, that leave was not misused and on expiry of the period, he had come back to India.

4. In view of the aforesaid circumstances, the Applicant is permitted to go to Tehran in Iran for a period of 90 days subject to his executing a bond in the sum of Rs.One Lac. On expiry of the said period, he shall report to the Commissioner of Customs. He shall also deposit his passport with the Commissioner of Customs after returning from abroad.

5. The Application stands disposed of.

6. Parties to act on an authenticated copy of this order.

(J.H. BHATIA, J.)